

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. No claims have been amended. Two new claims have been added. Thus, claims 1-28 are pending, of which 1, 7, 13, 17, 25 and 27 are independent.

Claims 1-26 remain rejected as being obvious in view of Schmidt (U.S. Patent No. 5991807) and Misra (U.S. Patent No. 6189146). Applicants thank the Examiner for the careful attention paid to the present matter, unfortunately, Applicants must traverse the action, and disagree, for example, with the Office's application of Schmidt.

The Action states "Schmidt et al. shows all of the limitations of the claims expect for specifying selecting goods and the use of a 'public key'." The Action then continues on to state "Schmidt et al. shows ... a system for controlling users access to a **distributive network**." The problem with applying Schmidt as suggested is that the claims do **not** claim a "distributive network", rather what is claimed is a **distribution server**, e.g., a server providing a virtual storefront from which goods may be obtained/purchased by customers/clients (see Specification discussion for FIG. 1).

In contrast, as defined by Schmidt, the Schmidt "distributive network" includes "corporate intranets and the Internet" (Schmidt at col. 1 lines 12-13). In Schmidt such networks are "for interconnecting computers" and to "permit remote and distributed computers to communicate with each other over public communication channels" (Schmidt at col. 1 lines 18-21). In other words, Schmidt defines a network of interconnected machines that may communicate over the connecting network(s).

Applicants respectfully submit, however, that there is no hint or even any suggestion in these definitions provided by Schmidt that the Schmidt phrase “distributive network” includes a machine operating as a “distribution server” as the phrase is defined and utilized in the Specification. Because Schmidt fails to teach or suggest the recited distribution server, Applicants submit it **necessarily follows** that, as recognized by the Office, Schmidt therefore fails to teach the recited selecting goods. Schmidt cannot teach the recited selecting goods because Schmidt fails to teach the recited distribution of goods by way of an online distribution server.

Thus, if we assume for the sake of argument that the Office is correct regarding the operation of the Schmidt distributive network, all that has been accomplished is identifying some network infrastructure over which the recited operations may be performed. That is, it is submitted Schmidt does **not** teach the recited operations, an instead teaches just one possible network environment in which the operations may be performed. Thus, Applicants respectfully submit that Schmidt does not, as asserted by the Office, show “almost all limitations of the claims” and Applicants therefore submit the suggested combination is unworkable and cannot render the claims obvious.

Regarding the Office’s paragraph stating the “Schmidt et al. reference selects web services. The specifying of individual items or goods available on the selected web site services is just an obvious next more detailed step....” Applicants strongly disagree with this characterization of Schmidt. The “services” in Schmidt concern applying firewall type rules in a device on a local network, e.g., a gateway, through which Internet access is obtained, where an administrator may set rules controlling what users are

allowed to go to what resources. In Schmidt (and firewall rules generally), such rules identify “services” by the well known TCP/IP communication port used by the service (see Schmidt at col. 7 lines 12-13 defining “Port Numbers” as services). For example, web servers are known to use port 80, e-mail uses port 25, etc.

Thus, ***the local firewall/gateway rules as taught by Schmidt have absolutely no bearing or scintilla of a teaching of implementing the recited distribution server conditionally making goods and/or services available to a client/customer as recited.*** It is therefore respectfully submitted that there is no “obvious next step” as suggested in the Action that takes one from the port-based filtering rules of Schmidt to the recited distribution server for goods.

It is also worth noting one further distinction between the firewall/gateway rules of Schmidt and the recited access controls, namely that the Schmidt rules keep LAN users **in** (e.g., they prevent connection out of the LAN into the outside world), whereas the recited “assigning access restrictions,” for example, keep people **out** – this is a fundamentally different issue/problem being addressed and does not render obvious the recited assigning of access restrictions to an electronic distribution package.

The shortcomings discussed above for Schmidt are not cured through combination with Misra.

Regarding new claims 27-29, among other features, recited is determining whether there is an update to an available good. Updates are not taught or suggested by the documents relied on by the Office.

Application No. 09/540,239
Amendment dated March 2, 2004
Response to Office Action of September 2, 2003

Atty. Docket No. 042390.P7956
Examiner Cuff, Michael
TC/A.U. 3627

Interview Request

If the foregoing is not deemed persuasive, the Examiner is respectfully requested to contact the undersigned by telephone to discuss the nature of the claims and documents relied on by the office.

There may be a misunderstanding between inventive intent and the Office's interpretation of recited claim language that may be addressed in an interview.

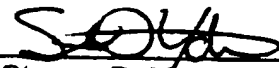
Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-26 are in condition for allowance, and new claims 27-29 are allowable for at least the reasons discussed for claims 1-26.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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